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December 10, 2007

Mr. Terry Capers, Durham City Manager  
cc: Mr. Emmanuel McGirt, Esq.  
Durham City Council  
101 City Hall Plaza  
Durham, NC 27701

RE: Request for Grave Disinterment and Re-interment, Brightleaf Subdivision

Dear Mr. Capers,

My firm represents Rhein Interests of Raleigh, LLC. Per my discussion with Emmanuel McGirt on October 22, 2007, I am writing your office to request an appearance before the City Council regarding a grave disinterment and re-interment pursuant to North Carolina Statute General Statute §65-13.

The graves which would be disinterred and reinterred lie in an abandoned, unknown, and unmarked cemetery in the Brightleaf subdivision, Tract 10, described in a Deed recorded in Book 5587, Page 183, also shown on a survey entitled "Gravestone Location for Brightleaf at the Park, Tract 10" by Triangle Surveyors dated 1/31/2007. This tract of land is also identified PIN 0850-03-32-1598.

At present time, my client has fully complied with NCGS §65-13, having made reasonable inquiry into the identity of any next of kin of any decedents. My client has also caused notice to be published in the Herald Sun for 4 (four) consecutive weeks. Neither my client nor this office have received notice from anyone claiming to be next of kin of any decedents.

Pursuant to NCGS §65-13, Rhein Interests of Raleigh, LLC, wishes to request City Council approval of the disinterment and re-interment at the January 7, 2008 City Council meeting. I have attached a proposed resolution for your consideration, as well as an affidavit of publication from the Herald Sun. If you require anything further, or if you have any questions, please contact me.

Very truly yours,

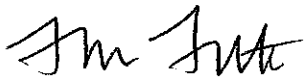
  
Koury L. Hicks

## AFFIDAVIT OF PUBLICATION

I certify that this is a  
true and exact copy of  
the original

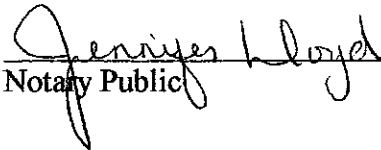
State of North Carolina  
County of Durham

Thomas Tuttle, being duly sworn, says that he is the Principal Clerk of PMG, LLC, doing business as The Herald-Sun, a newspaper published in and of general circulation in said County, and that a notice of which the annexed is a True Copy, was published in said newspaper one time each week for 4 successive weeks beginning on the 23rd day October, 2007.



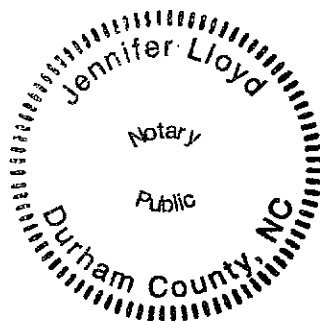
Principal Clerk

Sworn to and subscribed before me this 13TH day of  
November, 2007.



Notary Public

My Commission Expires: November 7, 2011  
Durham County, North Carolina



NOTICE OF INTENTION TO DISINTER,  
REMOVE AND REINTER GRAVES  
TO ANY AND ALL NEXT OF KIN OF ANY  
AND ALL UNKNOWN INDIVIDUALS WHO  
ARE BURIED IN OR UPON GROUNDS OF  
THE CEMETERY OR BURIAL GROUNDS  
HEREINAFTER DESCRIBED:  
TAKE NOTICE THAT Rhein Interests of Ra-  
leigh, LLC, owner of real property herein-  
after identified, intends more than 30 days  
after the first publication of this Notice  
upon conditions that such consent as is re-  
quired pursuant to N.C.G.S. 66-13 is  
granted to disinter, remove and reinter the  
remains of approximately eight (8) individ-  
uals who are buried in a cemetery or burial  
ground located upon the hereinafter de-  
scribed property and all of whose next of  
kin are unknown to Rhein Interests of Ra-  
leigh, LLC, despite reasonable search and  
inquiry on its behalf.  
The property on which the cemetery or bu-  
rial ground is located is parcel of land in Oak  
Grove Township, Durham County, North  
Carolina, described in a deed recorded in  
Book 6587, Page 183, Tract 10, also  
shown on a survey entitled "Gravestone  
Locations for Brightleaf at the Park" Tract  
10, by Triens Surveyors dated 11/1/2007.  
This tract of land is also identified SPIN  
0850-03-32-1502.  
The Notice is published and given pursuant  
to the provisions of N.C.G.S. 66-13.  
Anyone having any inquiry regarding this  
matter or anyone having information re-  
garding the matter or having any informa-  
tion regarding the identity of the individuals  
whose remains are located in these  
graves, or the identity of any of the next of  
kin of such individuals whose remains are  
located in these graves is requested to  
contact Koury L. Hicks, Moore & Alphin,  
PLLC, 1000 Park Forty Plaza, Suite 100,  
Durham, North Carolina 27713, (919) 544-  
0092.  
H-S: October 23, 30, November 6, 13,  
2007.

**RESOLUTION GRANTING RHEIN INTERESTS OF RALEIGH, LLC REQUEST TO  
RELOCATE UNKNOWN FAMILY CEMETERY PURSUANT TO N.C.G.S. 65-13**

**WHEREAS**, there is an abandoned and unknown family cemetery within the City limits, located in the proposed Brightleaf Subdivision, Oak Grove Subdivision on property currently owned by Rhein Interests of Raleigh, LLC, near Northern Durham Parkway.

**WHEREAS**, this tract of land is also described as being a parcel of land in Oak Grove Township, Durham County, North Carolina, described in a Deed recorded in Book 5587, Page 183 (Tract 10), also shown on a survey entitled "Gravestone Location for Brightleaf at the Park, Tract 10" by Triangle Surveyors dated 1/31/2007. This tract of land is also identified PIN 0850-03-32-1598.

**WHEREAS**, Rhein Interests of Raleigh, LLC believes that there are 6-8 unknown graves in this unknown family cemetery located on that certain tract of land having PIN 0850-03-32-1598.

**WHEREAS**, Rhein Interests of Raleigh, LLC has, by reasonable search and inquiry, failed to ascertain anyone claiming to be next of kin of any decedents.

**WHEREAS**, Rhein Interests of Raleigh, LLC has duly complied with the statutory notice requirements of North Carolina General Statute 65-13, having caused a notice to be published in the Herald Sun for 4 (four) consecutive weeks. Rhein Interests of Raleigh, LLC has not received notice from anyone claiming to be next of kin of any decedents.

**WHEREAS**, Rhein Interests of Raleigh, LLC represents that the graves of the unknown deceased located in this cemetery will with due care be relocated and reentered in Markham Memorial Gardens, Durham, North Carolina.

**WHEREAS**, Rhein Interests of Raleigh, LLC represents that Markham Memorial Gardens is a suitable cemetery that shall provide regular maintenance and perpetual care to the unknown family cemetery.

**WHEREAS**, North Carolina General Statute 65-13 allows for the disinterment, removal and reinterment of abandoned graves or burying grounds by land owners after first securing the consent of the governing body in which such abandoned cemetery is situated.

**AND WHEREAS**, Rhein Interests represents that it shall fully comply with all statutory requirements in North Carolina General Statute 65-13 as it causes the disinterment and reinterment of graves in unknown family cemetery on that certain tract of land having PIN 0850-03-32-1598.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Durham, North Carolina does hereby give consent to Rhein Interests of Raleigh, LLC to disinter, remove and reinter the graves located in the unknown family cemetery (described above) pursuant to N.C.G.S. 65-13.